IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO.3659 OF 2006

Laxman Shrimant Ganpatil ..Applicant
Versus
The State of Maharashtra ..Respondent

Mr.P.R.Arjunwadkar for the applicant.

Smt.M.H.Mhatre APP for the Respondent/State.

Coram : R.S.Mohite,J

Date : 31.01.2007.

PC

1. This is a 2nd application for grant of bail. Earlier on 25.7.2006 I had rejected the application of the present applicant for grant of bail. The applicant is shown as an accused in C.R.No.8/2005 registered by the City Police Station, Pandharpur for alleged offences under Sections 419, 420, 463, 467 & 468 r/w 34 of IPC. The FIR was filed by the Complainant Subhash D.Chavan indicating that the present applicant who was the Talathi of village, brought fictitious owners of the land and makes false promises to the purchasers that the land would be transferred to their names. The FIR indicates that out of an amount of Rs.12,00,000/-, Rs.5,00,000/- was paid in cash and bogus account was opened in the name of co-accused Raghunath. A period of more than 6 months have elapsed after the bail was rejected. A charge-sheet is filed. As per the earlier

statement made by the Advocate for the applicant, the amount of Rs.2,00,000/- was deposited with the JMFC, Pandharpur. Advocate for the applicant stated that his client is agreeable for the payment of the said Rs.2,00,000/- to the Complainant subject to security and his rights to re-claim the amount at the end of the trial, if acquitted. The offence under Section 467 of IPC is triable by the JMFC and JMFC has no powers to sentence for more than 3 years. In the circumstances, I am inclined to allow this application.

2. It is therefore, directed that pending his trial in pursuance of C.R.No.8 of 2005, the applicant may be released on bail in the sum of Rs.10,000/- with one surety in the like amount subject to the condition that he reports to the City Police station, Pandharpur, as and when called upon to do so. Complainant will also have liberty to withdraw the amount of Rs.2,00,000/- deposited with the JMFC, Pandharpur subject to his giving solvent security and also subject to giving undertaking to re-deposit the said amount as and when called upon to do so and also subject to right of the accused to reclaim the amount at the end of the trial if he is acquitted. The certificate indicating payment of fine is taken on record and marked "X" for identification. Application stands disposed off accordingly.

(R.S.Mohite,J)